IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929

WP(C).No. 15961 of 2007(S)

AGAINST THE ORDER IN E.P. NO.15/2007 IN OP.659/2005 of FAMILY COURT, KOTTAYAM

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PETITIONER:

1. JOSHY THOMAS, S/O.THOMAS,
PLACHERIYIL VEEDU, KAPPUMTHALA KARA,
NJEEZHUR VILLAGE, VAIKOM,
NOW WORKING AS TEACHER IN KADAPPA, ANDRA PRADESH.)

2. FR.JOMON, CMI, PLACHERIYIL VEEDU,
KAPPUMTHALA KARA, NJEEZHUR VILLAGE,
VAIKOM,
NOW WORKING AS PRIEST IN JAGADALPUR,
CHATTISGARH).

3. JIJO THOMAS, S/O.THOMAS,
PLACHERIYIL VEEDU, KAPPUMTHALA KARRA,
NJEEZHUR VILLAGE, VAIKOM.
(STUDING FOR PRIEST HOOD IN UJJAIN,
MADHYA PRADESH).

BY ADV. SRI.V.V.NANDAGOPAL NAMBIAR
SRI.T.P.PRADEEP

RESPONDENTS:

1. LEELAMMA SHAJI @ MARIYAM,
NADUTHEKKINIYIL,PERUMBAYIKKATTUSSERI KARA,
PERUMBAYIKKADU VILLAGE.

2. SHAJI THOMAS, S/O.THOMAS, PLACHERIYIL VEEDU,
KAPPUMTHALA KARA,
NJEEZHUR VILLAGE, VAIKOM.

BY ADV. SRI.M.P.MADHAVANKUTTY for R1

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE NOTICE UNDER ORDER21, RULE 66 OF THE CODE OF CIVIL PROCEDURE.

EXT.P2: A TRUE COPY OF THE SETTLEMENT DEED NO. 3239/05.

EXT.P3: A TRUE COPY OF THE SETTLEMENT DEED NO. 3238/05.

EXT.P4: A TRUE COPY OF THE DOCUMENT NO. 1080/06.

EXT.P5: A TRUE COPY OF THE SETTLEMENT DEED NO. 3241/05.

EXT.P6: A TRUE COPY OF THE PETITION FILED AS E.A. NO. 38/07 ON 21.05.07.

/True Copy/

P.A to Judge.

KURIAN JOSEPH & T.R. RAMACHANDRAN NAIR, JJ

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W.P.(C). NO.15961 OF 2007

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Dated this the 27th day of July, 2007.

JUDGMENT

Kurian Joseph,J

The writ petition is filed with the following prayers:

i. set aside Exhibit P1 sale proclamation in E.P. No.15/07 in O.P. No. 659/2005 pending before the Family Court, Ettumanur.

ii. direct the Family Court, Ettumanur to consider, adjudicate and pass orders on Exhibit P6 claim petition before proceeding with Exhibit P1 sale proclamation.

2. There will be a direction to Family Court, Ettumanur to dispose of Ext.P6 claim petition in accordance with law expeditiously, at any rate, within a period of six months from the date of receipt of a copy of this judgment. The interim order passed by this Court on 28.05.2007 will continue till such time. However, we make it clear that this judgment shall not stand in the way of the 1st respondent proceeding against the 2nd respondent or his property.

The writ petition is disposed of accordingly.

KURIAN JOSEPH, JUDGE.

T.R. RAMACHANDRAN NAIR, JUDGE.

rv

KURIAN JOSEPH &
T.R. RAMACHANDRAN NAIR, JJ

L.A.A. NO. 805 of 2001

13th day of July, 2007

JUDGMENT